

created by the statute;—a sum so inconsiderable, that a moderately extensive dealer in lottery tickets has been known to declare, that he could afford to pay it monthly, and yet carry on a profitable business.

The time has now arrived in the apprehension of the committee, when public opinion may be greatly and beneficially influenced by legislation, and they are not without hope, that the proceedings of the present session, in relation to lotteries, if productive of no other good effect, may result in leading the community to reflect more seriously on the evils which follow in their train, than it has hitherto done. Although, as has been before observed in this report, our legislation, for the last thirty years, has indicated the existence of a sentiment in opposition to lotteries, yet the legislature, during that period, has sanctioned them in connection with many objects which were deemed public benefits. In this manner, the enormity of the wrong has been glossed over. It is now in the power of the legislature to present the subject in new and just lights, and there cannot be a doubt, that, whatever measures the legislature in its wisdom may adopt, the people will follow with their approbation.

As to *Penal Laws*, the tendency of legislation in this Commonwealth has been of late to place lottery dealing on the footing of what are called *prohibited evils*—in contradistinction to acts which are evils *in themselves*. It is believed that public opinion is every where ripe for making a change by transferring the offence to the class of wrongs which are, in their own nature, evil. If consequences, and modes by which consequences are produced, be regarded, this change ought certainly to be made.

Then *penalties* must be such as public sentiment will sanction; not such as they were under the act of 1817, nor such as they are now in England, with regard to crimes, where conviction cannot be had, because the penalty and the crime are so greatly disproportioned in public opinion, that juries prefer to get round their oaths in some way, rather than find the accused guilty. Penalties should be such as the convicted can be subjected to; and such as, being enforced, will deter the convicted and others from offending. If the penalty be a small one in money, the profit of the traffic and the chance of escape will render it inoperative. If it be a heavy moneyed penalty, it must be heavy enough, *if paid*, to deter, and, if not paid, non-payment should be followed by imprisonment, until it be paid, or for a definite term. If, however, lottery dealing be, as the Committee believe it is, for reasons herein before stated, not merely a